

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

JAMES BENJAMIN, as Trustee of the  
REBEKAH C BENJAMIN TRUST,

Plaintiff,

v.

Case No. 18-cv-10849  
Honorable Thomas L. Ludington

JOHN STEMPLER AND JANET SANTOS,  
in their official and individual capacities,

Defendants.

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**ORDER DENYING MOTION TO DISMISS AS MOOT**

On March 14, 2018, Plaintiff James Benjamin, trustee for the Rebekah C. Benjamin Trust, filed suit against Defendant John Stemple and Janet Santos, employees of the City of Saginaw. ECF No. 1. In the suit, Benjamin alleges that the City of Saginaw's practice of requiring owners of "vacant, but maintained, properties to 'register' their property in order to obtain licensing compliance" and, as part of that registration, consent to warrantless entries of those properties for administrative protections violates the United States Constitution. On May 15, 2018, Defendants filed a motion to dismiss. ECF No. 9. Two days later, Plaintiff filed an amended complaint. ECF No. 10. The amended complaint adds no new claims or defendants, but adds several pages of additional factual and legal allegations. "Normally, an amended complaint supersedes the original complaint." *Pac. Bell Tel. Co. v. Linkline Commc'ns, Inc.*, 555 U.S. 438, 456 n.4 (2009). Plaintiff believes that the amended complaint resolves the legal deficiencies which Defendants identified in the original complaint. Because the motion to dismiss seeks dismissal of a superseded complaint, it will be denied as moot.

Accordingly, it is **ORDERED** that the motion to dismiss, ECF No. 9, is **DENIED as moot**.

Dated: May 22, 2018

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 22, 2018.

s/Kelly Winslow  
KELLY WINSLOW, Case Manager